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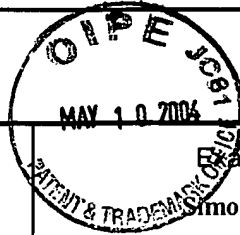
TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
(Under 37 CFR 1.97(b) or 1.97(c))

Docket No.
IFT-5657A-1

In Re Application Of: Jane Werling et al.

Serial No.
10/035,821

Filing Date
October 19, 2001



Examiner
Simon Oh

Group Art Unit
1615

Title: **METHOD FOR PREPARING SUBMICRON SUSPENSIONS WITH POLYMORPH CONTROL**

Address to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

37 CFR 1.97(b)

1. ☒ The Information Disclosure Statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

37 CFR 1.97(c)

2. ☐ The Information Disclosure Statement submitted herewith is being filed after the period specified in 37 CFR 1.97(b), provided that the Information Disclosure Statement is filed before the mailing date of a Final Action under 37 CFR 1.113, a Notice of Allowance under 37 CFR 1.311, or an Action that otherwise closes prosecution in the application, and is accompanied by one of:
- ☐ the statement specified in 37 CFR 1.97(e);
- OR**
- ☐ the fee set forth in 37 CFR 1.17(p).

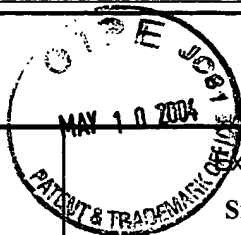
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METHOD FOR PREPARING SUBMICRON SUSPENSIONS WITH POLYMORPH CONTROL

Payment of Fee

(Only complete if Applicant elects to pay the fee set forth in 37 CFR 1.17(p))

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Dated: May 7, 2004

Robert M. Barrett, Reg. No. 30,142
BELL, BOYD & LLOYD LLC
P.O. Box 1135
Chicago, IL 60690-1135
Tel: (312) 807-4204

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Patent Application Of:
Jane Werling et al.
For: METHOD FOR PREPARING
SUBMICRON SUSPENSIONS WITH
POLYMORPH CONTROL
Serial No.: 10/035,821
Filed: October 19, 2001
Examiner: Simon Oh
Art Unit: 1615
Conf. No.: 2470

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2nd SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. 1.97, a list of documents is disclosed on the attached form PTO-1449 that may be material to the examination of this application. A copy of each of the documents is enclosed herewith for the Examiner's consideration. No inference should be drawn that the attached list represents a comprehensive investigation of the prior art; that any or all are pertinent to the invention; or that any apparatus disclosed is equivalent to the subject invention.

Applicants do not believe any additional fee is due in connection with this 2nd Supplemental Information Disclosure Statement, however, the Commissioner is hereby authorized to change any additional fees (or credit any overpayment) to Deposit Account No. 02-1818.

The identified patents and documents do not suggest or make obvious the claimed invention. Hence, allowance of the pending application is respectfully requested.

Respectfully submitted,
BELL, BOYD & LLOYD LLC

Date: May 7, 2004

Robert M. Barrett, Reg. No. 30,142
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

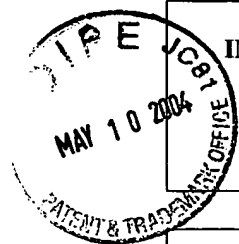
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FOREIGN PATENT DOCUMENTS								
Examiner's Initials		Document Number	Publication Date	Country	Class	Subclass	Translation	
							Yes	No
		EP 0169 618 B2	10 Nov 1993	EP			X	
		EP 0207 134 B1	17 Aug 1994	EP			X	
		EP 0275 796 B2	6 Sept 1995	EP				X
		EP 0349 428 B1	20 Jan 1993	EP			X	
		EP 0372 070 B1	15 Jan 1997	EP			X	
		EP 0377 477 B1	24 Mar 1993	EP			X	
		EP 0379 379 B1	18 Jan 1990	EP			X	
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	*	EP 0517 565 B1	18 Oct 2000	EP			X	
	*	EP 0535 534 A1	7 Apr 1993	EP			X	
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	*	EP 0601 618 A2 EP 0601 618 A3	15 June 1994	EP			X	
	*	EP 0601 619 A2 EP 0601 619 A3	15 June 1994	EP			X	

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*PTO did not receive these documents.



**INFORMATION DISCLOSURE CITATION
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PTO Form 1449

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Applicant
Werling et al.

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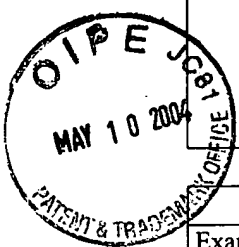
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Examiner's Initials		Document Number	Publication Date	Country	Class	Subclass	Translation	
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	*	EP 0602 700 A2 EP 0602 700 A3	22 June 1994	EP			X	
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	*	WO 90/15593 A1	27 Dec 1990	PCT			X	
		WO 91/06292 A1	16 May 1991	PCT			X	
		WO 91/12794 A1	5 Sept 1991	PCT			X	
		WO 91/16068 A1	31 Oct 1991	PCT			X	
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	*	WO 93/25190 A1	23 Dec 1993	PCT			X	
		WO 94/20072 A1	15 Sept 1994	PCT			X	
		WO 95/05164 A1	23 Feb 1995	PCT			X	

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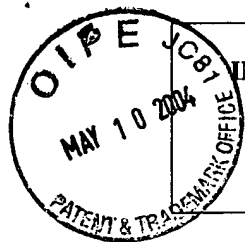
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							Yes	No
	*	WO 95/27482 A1	19 Oct 1995	PCT			X	
	*	WO 96/00567 A1	11 Jan 1996	PCT			X	
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	*	WO 98/14174 A1	9 Apr 1998	PCT			X	
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		WO 98/35666 A1	20 Aug 1998	PCT			X	
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	*	WO 99/00113 A1	7 Jan 1999	PCT			X	
	*	WO 99/02665 A1	21 Jan 1999	PCT			X	
	*	WO 99/03450 A1	29 Jan 1999	PCT			X	
		WO 99/16443 A1	8 Apr 1999	PCT			X	
	*	WO 99/29316 A1	17 June 1999	PCT			X	
		WO 99/30833 A1	24 June 1999	PCT			X	
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	*	WO 99/38493 A1	5 Aug 1999	PCT			X	
	*	WO 99/49846 A2	7 Oct 1999	PCT			X	
	*	WO 99/49848 A1	7 Oct 1999	PCT			X	
	*	WO 99/61001 A1	2 Dec 1999	PCT			X	
	*	WO 99/65469 A3	23 Dec 1999	PCT			X	

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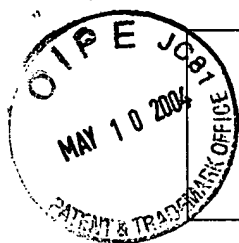
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Applicant Werling et al.	
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							Yes	No
	*	WO 00/09096 B1	24 Feb 2000	PCT			X	
	*	WO 00/12124 A1	9 Mar 2000	PCT			X	
	*	WO 00/12125 A1	9 Mar 2000	PCT			X	
	*	WO 00/18374 A1	6 Apr 2000	PCT			X	
	*	WO 00/27363 A1	18 May 2000	PCT			X	
	*	WO 00/30615 A1	2 June 2000	PCT			X	
	*	WO 00/30616 A1	2 June 2000	PCT			X	
		WO 00/37050 A1	29 June 2000	PCT			X	
	*	WO 00/40220 A1	13 July 2000	PCT			X	
	*	WO 00/51572 B1	8 Sept 2000	PCT			X	
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	*	WO 01/17546 A1	15 Mar 2001	PCT			X	
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		WO 01/85345 A1	15 Nov 2001	PCT			X	
	*	WO 01/87264 A2	22 Nov 2001	PCT			X	
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		WO 02/24169 A1	28 Mar 2002	PCT			X	
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		WO 02/43702 A2	6 June 2002	PCT			X	
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		WO 02/60411 A2	8 Aug 2002	PCT			X	
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		WO 02/74282 A1	26 Sept 2002	PCT			X	
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	Davis et al., "Pulmonary Perfusion Imaging: Acute Toxicity and Safety Factors as a Function of Particle Size", J.Nucl Med., Vol. 19 (1978), pp. 1209-1213.
	Schroeder et al., "Physiological Effects of Subvisible Microspheres Administered Intravenously to Beagle Dogs", Journal of Pharmaceutical Sciences, Vol. 67, No. 4, April 1978, pp. 508-512.
	Yokel et al., "Acute Toxicity of Latex Microspheres", Toxicity Letters, Vol. 9 (1981), pp. 165-170.
	Allen et al., "Critical Evaluation of Acute Cardiopulmonary Toxicity of Microspheres", J.Nucl Med., Vol. 19 (1987), pp. 1204-1208.
*	B. Sjostrom et al., "Preparation Of Submicron Drug Particles In Lecithin-Stabilized O/W Emulsions I. Model Studies Of The Precipitation Of Cholesteryl Acetate", Int. J. Pharm., 88 (1992) pp 53-62.
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*	Duncker and Reichelt, "Effects of the Pharmaceutical Cosolvent hydroxypropyl-beta-cyclodextrin on Porcine Corneal Endothelium", Graefe's Archive for Clinical and Experimental Ophthalmology (Germany), 236/5 (1998), pp. 380-389.
*	Volchek and Dellen, "Anaphylaxis to Intravenous Cyclosporine and Tolerance to Oral Cyclosporine, Case Report and Review", Annals of Allergy, Asthma, and Immunology, 80 (1998), pp. 159-163.
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	Avanti Polar Lipids, Inc., website printout, www.avantilipids.com, "Polymer and Polymerizable Lipids: Poly(ethylene glycol)-Lipid Conjugates" (8 pgs) , March 2003.

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